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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Joseph J. Kubler

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EXAMINER

CAMPBELL, MATTHEW T

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/783,894	KUBLER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	MATTHEW CAMPBELL	2465	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 September 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 44-89 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44-89 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 60 and 87 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 60 and 87 recites, "the number of voice packets," which has no antecedent basis.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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6. Claims 44, 48-50, 53-56, 61, 63, 64, 67, 68, 71, 75-77, 80-83 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Israel et al. (US 4723238 A) in view of Suffern et al. (US 5724413 A).

For claim 44 and 71, Israel teaches a method for communicatively coupling a packet network to at least one communication network having an associated information format, the method comprising: receiving, from one of the packet network and the at least one communication network, information requesting setup of a call between the packet network and the at least one communication network **(Israel: network interface card 14 receives call originating from packet terminal 131-X or circuit terminal 121-X, fig. 1 and col. 3)**; and establishing call communication between the packet network and the at least one communication network based upon the information, the communication including the conversion of information received in a packet format for transmission in the associated format, and the conversion of information received in the associated format for transmission in a packet format **(Israel: network interface controller 14 establishes communication path between packet terminal 131-X and circuit terminal 121-X using data converter 145X, fig. 1 and col. 3)**.

Israel does not teach providing, to a host device, at least a portion of the information requesting setup of a call; receiving, from the host device, configuration information based upon the at least a portion of the information requesting setup of a call. However, Suffern from a similar field of endeavor teaches an interface card that provides received signals to the host device for processing **(Suffern: figs. 1-4)**. It would

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have been obvious to modify Israel incorporate Suffern's teaching in order to reduce the cost of the interface card and to facilitate revision without requiring hardware modification.

For claim 48 and 75, Israel teaches the method of claim 44 and 71 wherein packets comprise non-voice data **(Israel: Inter-system data calls, col. 9)**.

For claim 49 and 76, Israel teaches the method of claim 48 and 75 wherein at least a portion of the non-voice data is unrelated to the communication of digitized voice information **(Israel: Inter-system data calls, col. 9)**.

For claim 50 and 77, Israel teaches the method of claim 44 and 71 wherein the at least one communication network is a second packet network **(Israel: may establish calls between PSS terminals, col. 2 line 55)**.

For claim 53 and 80, Israel in view of Suffern teaches the method of claim 44 and 71 wherein the at least one communication network comprises a conventional telephone switching network **(Israel: CSS supports voice calls, col. 2 line 44; Suffern: telephone network 30, fig. 1)**.

For claim 54 and 81, Israel in view of Suffern teaches the method of claim 53 and 80 wherein the associated format is an analog format (**Suffern: telephone network 30 and analog converter 40, fig. 2**).

For claim 55 and 82, Israel teaches the method of claim 53 and 80 wherein the associated information format is a digital format (**Israel: CSS utilizes PCM voice samples or digital data, col. 4 line 49**).

For claim 56 and 83, Israel in view of Suffern teaches the method of claim 53 and 80 wherein the associated format is a modem signal (**Suffern: modem signal, col. 4 line 10**).

For claim 61 and 88, Israel in view of Suffern teaches the method of claim 44 and 71 wherein the host device is a personal computer (**Suffern: conventional IBM computer 20, fig. 1**).

For claim 63, Israel teaches a machine-readable storage having stored thereon a computer program having a plurality of code sections for implementing a system supporting communication between a packet network and at least one other network, the at least one other network having an associated communication format, the code section executable by a machine for causing the machine to perform operations comprising: accepting a request for setup of a call, the request identifying the at least

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one other network (**Israel: packet switching system 13 or circuit switching system 12 receives call originating from packet terminal 131-X or circuit terminal 121-X, fig. 1 and col. 3**); providing, to a host device, information related to the call setup request; receiving, from the host device, call parameters derived from the information related to the call setup request (**Israel: packet switching system 13 or circuit switching system 12 forwards request to network interface terminal 14, fig. 1 and col. 3**); and communicatively coupling the packet network and the at least one other network, based upon the call parameters (**Israel: network interface controller 14 establishes communication path between packet terminal 131-X and circuit terminal 121-X using data converter 145X, fig. 1 and col. 3**).

For claim 64, Israel teaches the machine-readable storage of claim 63 wherein the coupling comprises: converting information from a packet format to the associated communication format of the at least one other network; and transforming information from the associated communication format of the at least one other network to a packet format (**Israel: data converters 145X convert between packet and circuit formats, col. 6 line 23**).

For claim 67, Israel in view of Suffern teaches the machine-readable storage of claim 63 wherein the at least one other network comprises a conventional telephone switching network (**Israel: CSS supports voice calls, col. 2 line 44; Suffern: telephone network 30, fig. 1**).

For claim 68, Israel in view of Suffern teaches the machine-readable storage of claim 67 wherein the associated communication format of the at least one other network is an analog format (**Suffern: telephone network 30 and analog converter 40, fig. 2**).

7. Claims 45, 46, 51, 52, 65, 66, 72, 73, 78 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Israel et al. (US 4723238 A) in view of Suffern et al. (US 5724413 A) and Row et al. (US 5163131 A).

For claim 45 and 72, Israel in view of Suffern does not teach the method of claim 44 and 71 wherein the packet network is compliant with an Internet protocol (IP). However, Row teaches a packet network that is compliant with IP (**Row: TCP/IP, cols. 5 and 6**). It would have been obvious to one having ordinary skill in the art to modify Israel and Suffern with Row's teaching in order to interface with other IP networks.

For claim 46 and 73, Israel in view of Suffer and Row teaches the method of claim 45 and 72 wherein the Internet Protocol is compliant with the transmission control protocol (TCP)/Internet protocol (IP) (**Row: TCP/IP, cols. 5 and 6**).

For claim 51 and 78, Israel in view of Suffern does not teach the method of claim 50 and 77 wherein the second packet network is compliant with an Internet protocol (IP). However, Row teaches a packet network that is compliant with IP (**Row: TCP/IP,**



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**cols. 5 and 6).** It would have been obvious to one having ordinary skill in the art to modify Israel and Suffern with Row's teaching in order to interface with other IP systems.

For claim 52 and 79, Israel in view of Suffer and Row teaches the method of claim 51 and 78 wherein the Internet Protocol is compliant with the transmission control protocol (TCP)/Internet protocol (IP) (**Row: TCP/IP, cols. 5 and 6**).

For claim 65, Israel in view of Suffern does not teach the machine-readable storage of claim 63 wherein the packet format is compliant with an Internet protocol (IP). However, Row teaches a packet network that is compliant with IP (**Row: TCP/IP, cols. 5 and 6**). It would have been obvious to one having ordinary skill in the art to modify Israel and Suffern with Row's teaching in order to interface with other IP networks.

For claim 66, Israel in view of Suffer and Row teaches the machine-readable storage of claim 65 wherein the packet format is the transmission control protocol (TCP)/Internet protocol (IP) (**Row: TCP/IP, cols. 5 and 6**).

8. Claims 47, 57-60, 69, 74 and 84-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Israel et al. (US 4723238 A) in view of Suffern et al. (US 5724413 A) and Flanagan (US 4100377 A).

For claim 47 and 74, Israel in view of Suffern does not teach the method of claim 44 and 71 wherein packets comprise digitized voice information. However, Flanagan teaches packets comprising digitally encoded speech (**Flanagan: packet transmission of speech, figs. 1-4**). It would have been obvious to one having ordinary skill in the art to modify Israel and Suffern with Flanagan's teaching in order to accommodate voice on shared transmission facilities with the packets.

For claim 57 and 84, Israel in view of Suffern does not teach the method of claim 44 and 71 wherein the conversion of information received in a packet format for transmission in the associated format comprises converting digitized voice information into an analog voice signal. However, Flanagan teaches a speech packet regenerator for generating voice signals (**Flanagan: speech regenerator, fig. 3 and col. 5**). It would have been obvious to one having ordinary skill in the art to modify Israel and Suffern with Flanagan's teaching in order to communicate voice between the packet and circuit networks.

For claim 58 and 85, Israel in view of Suffern does not teach the method of claim 44 and 71 wherein the conversion of information received in a packet format for transmission in the associated format comprises buffering digitized voice information for a period of time to minimize gaps in a voice signal. However, Flanagan teaches balancing silent interval lengths, talkspurt delivery times and receive buffer lengths with

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the intelligibility of the delivered speech (**Flanagan: col. 2 lines 10-24**). It would have been obvious to one having ordinary skill in the art to modify Israel and Suffern with Flanagan's teaching in order to balance buffer size with voice quality.

For claim 59 and 86, Israel in view of Suffern does not teach the method of claim 44 and 71 wherein the conversion of information received in the associated format for transmission in the packet format comprises converting an analog voice signal into digitized voice information. However, Flanagan teaches a speech packet generator for generating digitally encoded speech packets (**Flanagan: speech generator, fig. 2**). It would have been obvious to one having ordinary skill in the art to modify Israel and Suffern with Flanagan's teaching in order to communicate voice between the packet and circuit networks.

For claim 60 and 87, Israel in view of Suffern does not teach the method of claim 44 and 71 wherein the at least one converter reduces the number of voice packets transmitted via the at least one packet network, by changing the packetization of digitized voice information when voice activity on the at least one network interface is below a predetermined level. However, Flanagan teaches that speech signals are encoded in talkspurts such that silent intervals are deleted (**Flanagan: col. 2 line 1**). It would have been obvious to one having ordinary skill in the art to modify Israel and Suffern with Flanagan's teaching in order to preserve bandwidth.

For claim 69, Israel in view of Suffern does not teach the machine-readable storage of claim 63 further comprising: communicating with the host device digitized voice information. However, Flanagan teaches packets comprising digitally encoded speech (**Flanagan: packet transmission of speech, figs. 1-4**). It would have been obvious to one having ordinary skill in the art to modify Israel and Suffern with Flanagan's teaching in order to accommodate voice on shared transmission facilities with the packets.

9. Claims 62, 70 and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Israel et al. (US 4723238 A) in view of Suffern et al. (US 5724413 A) and Messenger (US 5046066 A).

For claim 62 and 89, Israel in view of Suffern does not teach the method of claim 44 and 71 wherein the packet network is a wireless network. However, Messenger teaches a wireless packet network (**Messenger: figs. 1-2**). It would have been obvious to one having ordinary skill in the art to modify Israel in view of Suffern with Messenger's teaching in order to provide mobile data nodes.

For claim 70, Israel in view of Suffern does not teach the machine-readable storage of claim 63 wherein the packet network is a wireless network. However, Messenger teaches a wireless packet network (**Messenger: figs. 1-2**). It would have

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been obvious to one having ordinary skill in the art to modify Israel in view of Suffern with Messenger's teaching in order to provide mobile data nodes.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW CAMPBELL whose telephone number is 571-270-3988. The examiner can normally be reached on Monday through Friday from 9:00am until 6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. C./

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Examiner, Art Unit 2465

1-15-2010

/Jayanti K. Patel/

Supervisory Patent Examiner, Art Unit 2465